

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Eddie Ray George Washington Bozarth,

Plaintiff,

vs.

Franklin Katschke, *et al.*,

Defendants.

Case No. 2:22-cv-01265-RFB-VCF

Order

Motion to Extend Time (ECF No. 6)

I previously ordered incarcerated pro se plaintiff Eddie Ray George Washington Bozarth to file an application to proceed in forma pauperis (IFP) given that he filed his complaint without an IFP application or payment. ECF No. 4. When plaintiff missed his deadline to either file an IFP application or pay the filing fee, I ordered that this case be administratively closed for failure to commence this action. ECF No. 5.

Pro se plaintiff Bozarth has now filed a motion for an extension of time. ECF No. 6. His handwriting is difficult to read, but he appears to ask for more time to file an IFP application. *Id.* Reading his motion liberally, I also interpret his motion as a request to reopen this case. I grant plaintiff's motion in part, to the extent that he requests more time to file his updated IFP application and to reopen this case.

ACCORDINGLY,

I ORDER that the Clerk of Court is directed to REOPEN this case.

I FURTHER ORDER that plaintiff's motion for an extension of time (ECF No. 6) is GRANTED IN PART, as specified in this order.

1 I FURTHER ORDER that plaintiff Bozarth has until Monday, March 6, 2023, to either (1) file
2 an updated IFP application using the long form as specified in my previous order (ECF No. 4) or (2) pay
3 the filing fee. Failure to timely comply with this Order may result in case closure or a recommendation
4 for dismissal with prejudice.

5 **NOTICE**

6 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and
7 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk
8 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal
9 may determine that an appeal has been waived due to the failure to file objections within the specified
10 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985).

11 This circuit has also held that (1) failure to file objections within the specified time and (2)
12 failure to properly address and brief the objectionable issues waives the right to appeal the District
13 Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d
14 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).
15 Pursuant to LR IA 3-1, the plaintiff must immediately file written notification with the court of any
16 change of address. The notification must include proof of service upon each opposing party's attorney,
17 or upon the opposing party if the party is unrepresented by counsel. Failure to comply with this rule may
18 result in dismissal of the action.
19

20 IT IS SO ORDERED.

21 DATED this 5th day of January 2023.

22 

23 CAM FERENBACH
24 UNITED STATES MAGISTRATE JUDGE
25